

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DALE E. DENOYER, ) 4:13CV3200  
                        )  
                        )  
Plaintiff,           )                           **MEMORANDUM**  
                        )  
                        )  
v.                     )                           **AND ORDER**  
                        )  
                        )  
STATE OF SOUTH DAKOTA, )  
STATE OF NEBRASKA, STATE OF )  
MISSOURI, and MINNEHAHA )  
COUNTY - SD,            )  
                        )  
                        )  
Defendants.           )

This matter is before the court on Plaintiff's Motion to Reconsider the court's Memorandum and Order dated December 17, 2013. (Filing No. [9](#).) Plaintiff argues that he should not be required to pay an initial partial filing fee in this matter because he is a pretrial detainee and the Prison Litigation Reform Act does not apply to pretrial detainees. (*Id.*) Plaintiff is mistaken. The Prison Litigation Reform Act defines a "prisoner" to include someone accused of a crime, and thus, includes pretrial detainees. *See* [42 U.S.C. § 1997e\(h\)](#). Accordingly,

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Reconsider (Filing No. [9](#)) is denied.

DATED this 6<sup>th</sup> day of January, 2014.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge

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